

[< Previous](#)[Next >](#)**A.C.A. § 27-16-801****Copy Citation**

Current through all legislation of the 2024 Fiscal Session and the Second Extraordinary Session (2024)

[Arkansas Code Annotated PAW - ET Table of Contents](#) [Title 27 Transportation](#)
[Subtitle 2. Motor Vehicle Registration and Licensing](#) [Chapter 16 Driver's](#)
[Licenses Generally](#) [Subchapter 8 – Issuance of Licenses and Permits](#)

27-16-801. Licenses generally — Validity periods — Contents — Fees — Disposition of moneys — Definitions. [Effective February 1, 2025.]

(a)

(1)

(A) In a manner prescribed by the Secretary of the Department of Finance and Administration, the Office of Driver Services shall issue:

(i) Except as provided in subdivision (a)(1)(B) of this section, a Class D license or a Class M license to each qualified applicant eighteen (18) or more years of age, for a period of eight (8) years, upon payment of twenty-four dollars (\$24.00);

(ii) An intermediate Class D license or an intermediate Class M license to each applicant between sixteen (16) and eighteen (18) years of age, for a period of up to two (2) years, upon payment of twelve dollars (\$12.00);

(iii) A learner's Class D license to each applicant between fourteen (14) and sixteen (16) years of age, for a period of up to two (2) years, upon payment of twelve dollars (\$12.00); and

(iv) A Class MD license to each qualified applicant, for a period of not more than two (2) years, upon payment of two dollars (\$2.00).

(B) A Class D license or a Class M license shall be issued for a period to be elected by the applicant of either four (4) years upon payment of twelve dollars (\$12.00) or eight (8) years upon payment of twenty-four dollars (\$24.00) to a qualified applicant who:

(i) Is seventy (70) or more years of age; and

(ii) Has an expired Class D license or Class M license.

(2)

(A) Each applicant for a Class D license, Class M license, or Class MD license under § 27-16-704, § 27-16-807, or § 27-20-108 shall pay an examination fee of five dollars (\$5.00) for each written examination taken.



Document:

A.C.A. § 27-16-801

(A) A distinguishing number assigned to the licensee;

(B)

(i) Except as provided under subdivisions (a)(3)(B)(ii) and (iii) of this section, the name, residence address, date of birth, and a brief description of the licensee.

(ii) The following exceptions to providing a residence address and instead providing a post office box address shall be allowed at the option of the licensee:

(a) If the licensee is a law enforcement officer; or

(b) If the licensee is a victim of domestic violence or the dependent of a victim of domestic violence as provided under § 27-16-811.

(iii) If the licensee is an elected prosecuting attorney, a duly appointed deputy prosecuting attorney, or a public defender, he or she may use a post office box address or his or her office address instead of his or her residence address; and

(C) A space upon which the licensee may affix his or her signature.

(4) The licensee shall affix his or her signature in ink in the space provided, and no license shall be valid until it shall have been so signed by the licensee.

(5) At the time of initial issuance or at the time of renewal of a license, the distinguishing number assigned to the licensee for his or her license shall be a nine-digit number assigned to the specific licensee by the secretary.

(6) [Repealed.]

(b)

(1)

(A) All licenses, as described in subsection (a) of this section, shall include a color photograph of the licensee, and the photograph shall be made a part of the license at the time of application.

(B)

(i) If the licensee is under eighteen (18) years of age at the time the license is issued, the license shall state that the licensee was under eighteen (18) years of age at the time of issuance.

(ii) If the licensee is at least eighteen (18) years of age but under twenty-one (21) years of age at the time the license is issued, the license shall state that the licensee was under twenty-one (21) years of age at the time the license was issued.

(2)

(A) A license is valid without a photograph of the licensee when the secretary is advised that the requirement of the photograph is either objectionable on the grounds of the licensee's sincerely held religious belief that prohibits an individual from having his or her photograph taken or the licensee is unavailable to have the photograph made.

(B) A license shall be issued without a photograph based on a licensee's sincerely held religious belief as authorized under subdivision (b)(2)(A) of this section if the:

(i) Licensee is fifteen (15) years of age or older; and

(ii) Licensee or his or her parent or guardian provides a completed Internal Revenue Service Form 4029 or signs an affidavit attesting to his or her sincerely held religious belief that prohibits an individual having his or her photograph taken.

(C)

(i) A license issued under subdivision (b)(2)(B) of this section is not valid for:

(a) Federal identification purposes; or

(b) Voter identification purposes.

(3)

(A) If a licensee has an illness that causes hair loss or is undergoing treatment for an illness that causes hair loss, the Office of Driver Services shall give the licensee the option to use the photograph from the most recent driver's license on file with the Office of Driver Services instead of having a new photograph taken if the licensee establishes that his or her hair loss is related to that illness or treatment.

(B) To establish the relationship between the licensee's illness or treatment and the resulting hair loss, the licensee shall provide a statement from his or her treating physician.

(C) This option can only be provided for one (1) renewal of the license to prevent obsolete photographs from being used.

(c)

(1) In addition to the license fee prescribed by subsection (a) of this section, the Office of Driver Services shall collect a penalty equal to fifty percent (50%) of the amount thereof from each driver, otherwise qualified, who shall operate a motor vehicle over the highways of this state without a valid license.

(2) The penalty shall be in addition to any other penalty that may be prescribed by law.

(d) All license fees collected under subsection (a) of this section shall be cash funds restricted in their use and shall be deposited into a bank selected by the Division of Arkansas State Police to the credit of the Division of Arkansas State Police Financing Fund.

(e)

(1) The Office of Driver Services shall not charge an additional fee for the color photograph provided for in subsection (b) of this section for those applicants making a renewal application for the first time.

(2) In addition to the regular license fee, a fee of two dollars (\$2.00) shall be charged for all subsequent renewals.

(3) All persons applying for an Arkansas license for the first time and all persons who are required to take the driver's written examination as provided for in this chapter shall be charged the additional fee of one dollar (\$1.00).

(4)

(A) A person required to have his or her eyesight tested before initial licensing or upon subsequent license renewal as provided for in this chapter shall be charged an additional fee for a license validity period of either:

(i) Four (4) years, in the amount of one dollar (\$1.00); or

(ii) Eight (8) years, in the amount of two dollars (\$2.00).

(B) An eyesight test for an applicant's subsequent license renewal shall be required every:

(i) Eight (8) years if an applicant elects a license validity period of four (4) years; or

(ii) Sixteen (16) years if a person elects a license validity period of eight (8) years.

(5) Each learner's license and intermediate driver's license issued shall be distinctive from the regular driver's license issued to a person eighteen (18) years of age or older.

(f) Moneys collected from the penalty fee provided in subsection (c) of this section and the fees provided in subsection (e) of this section shall be deposited into the State Treasury into the Constitutional Officers Fund and the State Central Services Fund, and the net amount shall be credited to the Department of Finance and Administration to be used to help defray the cost of the driver license program which shall be payable therefrom.

Document:

A.C.A. § 27-16-801

shall be charged for the issuance or renewal of a Class D, Class M, or Class MD license for a period of either:

(A) Four (4) years, in the amount of six dollars (\$6.00); or

(B) Eight (8) years, in the amount of twelve dollars (\$12.00).

(2) The fees collected under this subsection shall be remitted to the State Treasury, there to be deposited as special revenues to the credit of the Division of Arkansas State Police Fund, to be used for the payment of health insurance premiums for uniformed employees of the Division of Arkansas State Police.

(h)

(1) As used in this subsection:

(A) "Custody" means:

(i) Being an inmate of the Division of Correction and housed in a facility operated by the Division of Correction; or

(ii) Being an inmate of the Division of Community Correction and housed in a detention facility; and

(B) "Eligible person" means a person who:

(i) Is within one hundred eighty (180) days of release from custody; or

(ii) Has been released from custody within the previous six (6) months.

(2)

(A) The Office of Driver Services shall issue an identification card to an eligible person who has previously been issued an:

(i) Arkansas identification card; or

(ii) Arkansas driver's license and the driving privileges of the eligible person are suspended or revoked.

(B) The Office of Driver Services shall issue a driver's license to an eligible person who has previously been issued an Arkansas driver's license if the driving privileges of the eligible person are:

(i) Not suspended or revoked; or

(ii) Suspended or revoked solely as a result of an outstanding driver's license reinstatement fee imposed under the laws of this state.

(3) The Division of Correction and the Division of Community Correction shall identify eligible persons to apply for a replacement or renewal driver's license or identification card.

(4) Any fees for a replacement identification card under § 27-16-805 shall be waived for an eligible person.

(5) If the Office of Driver Services issues a driver's license to an eligible person under subdivision (h)(2)(B)(ii) of this section, the Office of Driver Services shall waive the reinstatement fee.

(i) The Office of Driver Services shall not charge a fee for the issuance of a driver's license under subsection (a) of this section or any other costs incidental to licensure under this section for an eligible applicant in foster care or a certified unaccompanied homeless youth under § 9-25-106.

History

Document:

A.C.A. § 27-16-801

§ 1; 1947, No. 393, § 1; 1957, No. 24, § 1; 1965, No. 493, § 1; 1967, No. 338, § 1; 1969, No. 276, § 1; 1977, No. 311, § 1; A.S.A. 1947, §§ 75-320, 75-325; Acts 1987, No. 274, § 2; 1989, No. 8, § 2; 1989, No. 193, § 3; 1989, No. 241, § 25; 1991, No. 782, §§ 1, 2; 1993, No. 445, §§ 18, 19; 1993, No. 1168, § 1; 1997, No. 495, § 1; 1999, No. 1004, § 1; 2001, No. 1500, § 1; 2001, No. 1694, § 5; 2003, No. 836, § 2; 2005, No. 1233, § 2; 2007, No. 839, § 9; 2009, No. 483, § 2; 2009, No. 1486, § 1; 2015, No. 343, §§ 1-3; 2015, No. 397, § 1; 2015, No. 856, §§ 8, 9; 2015, No. 895, § 46; 2015, No. 1289, § 1; 2017, No. 448, §§ 27-29; 2017, No. 460, §§ 1-3; 2017, No. 557, §§ 2, 3; 2017, No. 976, § 1; 2017, No. 1012, § 1; 2019, No. 69, § 1; 2019, No. 910, §§ 4651-4657; 2019, No. 1031, § 1; 2021, No. 257, §§ 1, 2; 2023, No. 261, §§ 2, 3; 2023, No. 506, § 4.

Arkansas Code of 1987 Annotated Official Edition

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